

Exhibit 7

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 Case No. 09-CIV-9832 (BSJ) (RLE)
5 Case No. 09-CIV-9323 (BSJ) (RLE)
6

7 -----X
8 AUSTIN FENNER and IKIMULISA LIVINGSTON,
9

10 Plaintiffs,
11

12 v.
13

14 NEWS CORPORATION, NYP HOLDINGS, INC.,
15 d/b/a THE NEW YORK POST and DAN GREENFIELD
16 and MICHELLE GOTTHELF,
17

18 Defendants.
19 -----X

20 SANDRA GUZMAN,
21

22 Plaintiff,
23

24 v.
25

26 NEWS CORPORATION, NYP HOLDINGS, INC.,
27 d/b/a THE NEW YORK POST and COL ALLAN, in
28 his official and individual capacities,
29

30 Defendants.
31 -----X

32 CONFIDENTIAL

33 VIDEOTAPED DEPOSITION OF AMY SCIALDONE

34 New York, New York

35 Thursday, June 28, 2012

36 Reported by:

37 Amy A. Rivera, CSR, RPR, CLR

38 JOB NO. 51053

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1 AMY SCIALDONE - CONFIDENTIAL
 2 respect to retaliation in the workplace?
 3 MR. PIESCO: Objection.
 4 You can answer.
 5 A. No, I didn't personally.
 6 Q. When you were director of training, do
 7 you know if anyone conducted training of New York
 8 Post employees with respect to The Post policy
 9 towards harassment in the workplace?
 10 MR. PIESCO: Objection.
 11 You can answer.
 12 A. Yes.
 13 Q. Who was that person or persons?
 14 A. My legal counsel, Jordan Lippner.
 15 Q. Was there anyone else?
 16 A. No.
 17 Q. Just to clarify, was there anyone also
 18 you know of or do you know if there was anyone
 19 else other than Jordan Lippner who conducted
 20 training on harassment in the workplace?
 21 MR. PIESCO: Objection.
 22 You can answer.
 23 A. While I was the director?
 24 Q. Right, when you were the director.
 25 A. When I was the director, Jordan

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1 AMY SCIALDONE - CONFIDENTIAL
 2 Q. Do you know who Paul Carlucci works
 3 for?
 4 MR. PIESCO: Objection.
 5 A. No.
 6 Q. Do you know if he is an employee of
 7 some division or subsidiary of News Corporation?
 8 MR. PIESCO: Objection.
 9 A. I don't know exactly.
 10 Q. I didn't ask you exactly, I'm merely
 11 asking you do you know if he works for some
 12 company affiliated with News Corporation?
 13 MR. PIESCO: Objection.
 14 A. I know he works for the New York Post
 15 and News America Marketing.
 16 Q. So, Paul Carlucci works for News
 17 America Marketing?
 18 MR. PIESCO: Objection.
 19 A. Yes.
 20 Q. And is News America Marketing
 21 affiliated with News Corporation in any way?
 22 MR. PIESCO: Objection.
 23 A. It's my understanding they're a
 24 subsidiary.
 25 Q. Do you have any idea why Paul

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 2 conducted the training for harassment.
 3 Q. Who promoted you to vice president of
 4 human resources?
 5 A. Jennifer Jehn.
 6 Q. And who do you report to now?
 7 A. Paul Carlucci.
 8 Q. Do you know if there were any
 9 discussions when Jennifer Jehn left as to whether
 10 or not there would be another senior vice
 11 president appointed to take over her role in HR?
 12 MR. PIESCO: Objection.
 13 A. No.
 14 Q. Was there ever any discussion as far
 15 as you know of promoting you to senior vice
 16 president of HR?
 17 MR. PIESCO: Objection.
 18 A. No.
 19 Q. And do you currently report to Paul
 20 Carlucci?
 21 A. Yes.
 22 Q. Who is Paul Carlucci?
 23 A. The publisher of the New York Post.
 24 Q. And who does Paul Carlucci report to?
 25 A. I don't know.

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1 AMY SCIALDONE - CONFIDENTIAL
 2 Carlucci, the publisher of The Post, is employed
 3 by News America Marketing?
 4 MR. PIESCO: Objection.
 5 A. I don't know who Paul's employed by.
 6 Q. I thought you just said that Paul
 7 Carlucci works for News America Marketing?
 8 MR. PIESCO: Objection.
 9 A. Paul's the publisher of the New York
 10 Post and oversees News America Marketing.
 11 Q. And he --
 12 A. That's my understanding --
 13 Q. -- he oversees --
 14 A. -- if I misspoke.
 15 Q. He oversees News America Marketing.
 16 MR. CLARK: Now, could you read back
 17 the -- the answer about -- about two
 18 questions ago on News America Marketing?
 19 (Record read.)
 20 BY MR. CLARK:
 21 Q. Okay. So, you testified a minute ago
 22 that Paul Carlucci works for News America
 23 Marketing. Is that correct?
 24 A. That's my understanding.
 25 Q. Okay.

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MR. PIESCO: Objection.

A. I don't recall.

Q. Is it more than once a year?

MR. PIESCO: Objection.

A. I don't recall.

Q. Now, as part of your job as vice president of HR, are you required to conduct investigations when there's an allegation of sexual harassment in the workplace?

MR. PIESCO: Objection.

You can answer.

A. Yes.

Q. Does anyone else in HR currently have responsibility to conduct investigations when there's an allegation of sexual harassment in the workplace?

MR. PIESCO: Objection.

You can answer.

A. Yes.

Q. Are there any specific individuals that are in HR which -- who are tasked with conducting investigations of sexual harassment in the workplace?

MR. PIESCO: Objection.

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You can answer.

A. Yes.

Q. And who are those people?

A. Erin, Lainie, and Ashley.

Q. And are you in overall control of those investigations?

MR. PIESCO: Objection.

A. They may handle them. I review them.

Q. So, they report to you when they do an investigation?

A. Yes.

Q. And is it part of your responsibility to make sure that those three individuals do the investigation properly?

A. Yes.

Q. So, it would be fair to say that as part of your job you are familiar with how to conduct an investigation about an allegation of sexual harassment in the workplace?

MR. PIESCO: Objection.

You can answer.

A. Yes.

Q. So, tell me in just -- in general how you would go about conducting an investigation

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when there's an allegation of sexual harassment at the New York Post?

MR. PIESCO: Objection.

You can answer.

A. We would meet with an employee who has the complaint and get as much detailed information as we can and try to determine what occurred, who may be involved, who may have witnessed anything, and then we would take it to the next step and go and see if we can talk to people who may have seen, heard, or know anything, or been involved.

We would be doing this in conjunction with legal counsel trying to make a determination what occurred.

Q. When these interviews are conducted, would you expect the person conducting the interview to take notes during the interview?

A. Yes.

Q. Would that be standard procedure?

MR. PIESCO: Objection.

You can answer.

A. Yes.

Q. Have you ever specifically told the employees that work for you to make sure they take

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notes when they interview people with respect to a complaint of discrimination in the workplace?

MR. PIESCO: Objection.

A. Any investigation we're doing, we'll take notes to make sure we're accurate and have the information that we may need to continue the investigation.

Q. And other than what you've described already in terms of attending these -- these modules with Mr. Lippner, have you received any other outside training on how to conduct an investigation about discrimination in the workplace?

MR. PIESCO: Objection.

A. No.

Q. So, you never --

A. No.

Q. -- never attended outside seminars --

A. No.

Q. -- with respect -- whether taking --

MR. PIESCO: Let him finish -- let him finish his question, please --

THE WITNESS: Right.

MR. PIESCO: -- before you answer.

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 2 relationships with inappropriately.
 3 Q. Are you saying that Mr. de Oca told
 4 Manolo Blahnik that Ms. Guzman was going to use
 5 these items for professional use when, in fact,
 6 she was going to use them for personal use?
 7 MR. PIESCO: Objection.
 8 You can answer.
 9 A. My understanding is that was the case.
 10 Q. What is that understanding based on?
 11 A. E-mails Sandra had with Joe,
 12 conversations Manolo Blahnik or e-mails they had
 13 with our editors, and how it was presented, and
 14 they were concerned -- Manolo Blahnik was
 15 concerned about their relationship with The Post,
 16 the way he behaved.
 17 Q. Now, what leads you to believe that
 18 Ms. Guzman in any way cooperated with Mr. de Oca
 19 making this alleged misrepresentation?
 20 A. I believe she stated that in an e-mail
 21 detailing he was representing her and styling her
 22 for events.
 23 Q. Okay. And is it your position that he
 24 was not styling her for events?
 25 A. Excuse me?

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1 AMY SCIALDONE - CONFIDENTIAL
 2 that please?
 3 Q. In the first sentence of this written
 4 warning, it says that Ms. Guzman violated The
 5 Post's conflict of interest rules, correct?
 6 MR. PIESCO: Objection. Speaks for
 7 itself.
 8 You can answer.
 9 A. That's what it says.
 10 Q. Would you agree that nowhere in here
 11 does it accuse her of violating The Post's --
 12 let's see, which number is it -- of -- of
 13 dishonesty, Rule No. 5?
 14 MR. PIESCO: Objection.
 15 A. It doesn't refer to this document.
 16 Q. So, this is -- just to be clear then,
 17 because -- are you saying then definitely company
 18 policies was not attached to the written warning?
 19 MR. PIESCO: Objection.
 20 She said she didn't recall --
 21 MR. CLARK: I understand, but --
 22 A. I guess --
 23 MR. PIESCO: You can't do that. You
 24 can't to that. Paul, come on, you can't do
 25 that.

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1 AMY SCIALDONE - CONFIDENTIAL
 2 Q. Is it your position that Mr. de Oca
 3 was not styling Ms. Guzman for events?
 4 MR. PIESCO: Objection.
 5 A. I'm not sure I understand what you're
 6 asking.
 7 Q. I'm trying to understand what you're
 8 saying.
 9 You said that he was styling her for
 10 events, and that was some sort of
 11 misrepresentation.
 12 A. The -- oh, excuse me -- the
 13 misrepresentation I'm talking about is that he was
 14 styling her, or whatever he was doing for her, for
 15 her personal use, which is not company use, but
 16 using her -- whether that was with her direction
 17 or not -- using her title, name, the company, to
 18 gather goods and services. And that is a conflict
 19 of interest. And she said he was working for her.
 20 Q. All right.
 21 A. That's my understanding of all of it.
 22 Q. And -- and it says in this memo, it
 23 accuses Ms. Guzman of a conflict of interest,
 24 correct?
 25 A. I didn't hear you. Can you repeat

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1 AMY SCIALDONE - CONFIDENTIAL
 2 BY MR. CLARK:
 3 Q. Does this conversation refresh your
 4 recollection that company policies was not
 5 attached to the written warning?
 6 MR. PIESCO: Objection.
 7 A. This code of conduct was not -- was
 8 the standards of business conduct we're referring
 9 to here. So, I don't believe this to have been
 10 attached to it, is what I said.
 11 Q. Okay. Very good. I just wanted to
 12 clarify.
 13 A. Yeah, yeah.
 14 Q. Sometimes when talk things through,
 15 you remember things.
 16 Now, if you look at the second
 17 paragraph, it -- it refers to COMPASS. And I
 18 think we talked about this before, but tell me
 19 again, what -- what is COMPASS?
 20 A. COMPASS is an online ethics training
 21 module that all employees are required to take,
 22 which reviews the company's standards of business
 23 conduct, amongst other things.
 24 Q. And when it says, "the company's
 25 standards of business conduct," what company is it

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You can answer.

A. Something somewhat similar. We have an acknowledgment page for new hires.

Q. Okay. And you see this is -- maybe you can't read it, but I believe this is the acknowledgment for Sandra Guzman? Yeah, you see it says, "I, Sandra Guzman, have received"?

A. Yes.

Q. Could you just that sentence for me, that first sentence?

A. Sure.

"This is to acknowledge that I, Sandra Guzman, have received and read the following materials regarding News Corporation's policies and procedures on the following topics."

Q. Would you agree then that this form clearly states that she has received News Corporation's policies and procedures on the following topics?

MR. PIESCO: Objection. Speaks for itself.

You can answer.

A. Well, as noted at the top, it's on New York Post's letterhead, and as I stated, it's my

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understanding that these News Corp. policies we've adopted as the New York Post policies.

Q. This refers to News Corporation's policies and procedures on standards of business conduct, correct?

MR. PIESCO: Objection.

You can answer.

A. That's what it states.

Q. And this refers to News Corporation's policies and procedures on equal employment opportunity and unlawful harassment, correct?

MR. PIESCO: Objection.

A. Correct.

Q. And it refers to News Corporation's policies and procedures on electronic communications policy, correct?

MR. PIESCO: Objection.

A. Correct.

Q. Is that the policy we looked at earlier?

MR. PIESCO: Objection.

Q. The electronic communications policy?

A. From her date, I don't know. I would assume so.

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Q. Okay. Fair enough.

And then family medical leave policy, are those also News Corporation policies and procedures with respect to family medical leave?

MR. PIESCO: Objection.

A. They're all New York Post policies to me.

Q. Do you have any idea why it refers to all these as News Corporation policies?

MR. PIESCO: Objection.

A. No. As I mentioned, I wasn't in HR in 2003. I don't know.

Q. Were you in HR in 2007?

A. Yes.

MR. CLARK: Could you mark this exhibit?

Thanks.

(Exhibit Scialdone 8, an acknowledgment dated May 21, 2007 bearing Bates number NYP-FL 485, was marked for identification at this time.)

MR. CLARK: For the record, this is Bates stamped NYP-FL 485.

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BY MR. CLARK:

Q. If you could just glance at that, ma'am, and let me know when you're ready?

A. Okay.

Q. This appears to be Austin Fenner's acknowledgment form, correct?

A. Yes. His name's on it, yes.

Q. Do you see the date on this?

A. Yes.

Q. What's the date on it?

A. 5/21/07.

Q. And were you working in HR at The Post in May of 2007?

A. Yes.

Q. Have you seen this specific iteration of the acknowledgment form before?

A. Yes, it looks familiar.

Q. And could you read that first sentence for me?

A. "This is to acknowledge that I, Austin Fenner, have received and read the following materials regarding News Corporation's policies and procedures on the following topics."

Q. And, again, it refers to standards of

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2 business conduct?

3 A. Yes.

4 Q. Now, is it your testimony that the
5 standards of business conduct referred to here is
6 not the News Corporation standards of business
7 conduct?

8 MR. PIESCO: Objection.

9 You can answer.

10 A. They're the New York Post policies
11 we've adopt from News Corporation's policies.

12 Q. Are you saying they are not News
13 Corporation's standards of business conduct?

14 MR. PIESCO: Objection.

15 A. They're the New York Post policies
16 we've adopted from News Corp.'s policies.

17 Q. Okay. That's still not answering the
18 question.

19 Are they News Corporation's standards
20 of business conduct?

21 MR. PIESCO: Objection. Asked and
22 answered.

23 Go ahead.

24 A. Yes, they're News Corp.'s policies
25 that the New York Post have adopted.

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2 policy that I just provided you substantially the
3 same as the family medical leave policy that the
4 HR department provides to New York Post employees?

5 MR. PIESCO: Objection.

6 A. Repeat that, please?

7 MR. CLARK: Could you read that back?
8 (Record read.)

9 MR. PIESCO: Note my objection,
10 please. Thank you.

11 You can answer, if you can.

12 A. I don't know.

13 Q. Can you point to any parts of the
14 document, 1163, that you believe is different from
15 the family medical leave policy that HR provides
16 to its employees?

17 MR. PIESCO: Objection.

18 A. I don't know.

19 Q. So, on the top it says, "News America,
20 Incorporated."

21 Do you see that?

22 A. Yes.

23 Q. Do you know if the form that HR
24 currently provides to employees says News America,
25 Incorporated on the top?

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2 Q. Very good. Thank you.

3 MR. CLARK: Could I get this marked as
4 9, please.

5 (Exhibit Scialdone 9, a family medical
6 leave document bearing Bates number NYP-FL
7 1163, was marked for identification at this
8 time.)

9 BY MR. CLARK:

10 Q. Okay. Ma'am, could you take a look at
11 that, and let me know when you're ready.

12 MR. CLARK: For the record, this is
13 Bates stamped NYP-FL 1163.

14 A. Okay.

15 Q. Have you seen this document before,
16 Ma'am?

17 A. I've seen a family medical leave
18 document. I don't know if it's exactly this one.

19 Q. Okay. Do you know if this family
20 medical leave document is the family and medical
21 leave policy referred to on Exhibits 7 and 8?

22 A. I don't know.

23 Q. Is the --

24 A. I don't know.

25 Q. Okay. Is the family medical leave

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2 MR. PIESCO: Objection.

3 You can answer.

4 A. I don't recall.

5 Q. Do you see at the bottom it says,
6 "NYP-FL 1163"?

7 A. Yes.

8 Q. Do you remember I said earlier that
9 that indicates that this document was provided by
10 your counsel?

11 A. Yes.

12 Q. Do you have any doubt that this form
13 is a form used by the New York Post for its
14 employees?

15 MR. PIESCO: Objection.

16 A. The content of the family medical
17 leave is used, you know, the substance of the
18 content, but if this document doesn't have a date
19 reference on it, I'm not sure when this was from,
20 and I don't know if I have a current one that's
21 updated.

22 Q. Okay.

23 A. So, that's the only -- do we provide
24 family medical leave? Yes. But the specifics --

25 MR. PIESCO: Listen to his question